IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.729 OF 2005

Vijay Sukhdeo Shewale ..Petitioner

Vs.

Narendra Zaverilal Kankaria
& Anr. ..Respondents

...

Mr. Tejas Dande i/b Umesh Nikam, Advocate for Petitioner
Mr. Vidyesh Nashikkar for Respondent no.1
Mr.D.P.Adsule, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 11,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned J.M.F.C.Court NO.III Malegaon, Dist. Nasik in R.C.No. 52 of 2004. In the said case process is issued under Section 379 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent-complainant fairly states that no objection will be raised in respect of filing of revision.

5. On the necessary revision being preferred by

the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ petition is disposed of.

[V.K.TAHILRAMANI,J.]